

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PU030097	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US04/09641	International filing date (day/month/year) 30 March 2004 (30.03.2004)	Priority date (day/month/year) 01 April 2003 (01.04.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 5/44, 7/08, 7/10, 7/025 and US Cl.: 348/473, 553; 455/404.1, 404.2; 725/33			
Applicant THOMSON LICENSING S.A.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a.  (sent to the applicant and to the International Bureau) a total of \_\_\_ sheets, as follows:
    - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b.  (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_ , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 18 January 2005 (18.01.2005)	Date of completion of this report 25 March 2005 (25.03.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer BRIAN P. YENKE  Telephone No. (571)272-7359

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/09641

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- international search (under Rules 12.3 and 23.1(b))
  - publication of the international application (under Rule 12.4)
  - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished  
 the description:

pages 1-15 as originally filed/furnished  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

- the claims:  
 pages 16-19 as originally filed/furnished  
 pages\* NONE as amended (together with any statement) under Article 19  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

- the drawings:  
 pages 1/5-5/5 as originally filed/furnished  
 pages\* NONE received by this Authority on \_\_\_\_\_  
 pages\* NONE received by this Authority on \_\_\_\_\_

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages NONE  
 the claims, Nos. NONE  
 the drawings, sheets/figs NONE  
 the sequence listing (*specify*): NONE  
 any table(s) related to the sequence listing (*specify*): NONE

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/09641**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial Applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)**

----- NEW CITATIONS -----  
 NONE

Claims 1-21 lack novelty under PCT Article 33(2) as being anticipated by Ganzer et al (US 5,121,430). Ganzer teaches a emergency alerting system which is received by a television receiver/antenna and when the received signal/code extracted (via alert code extractor 22) matches (via code compare 23) that of a user entered location (via user set location code 5) and alarm (via alarm 6) is activated. Ganzer teaches that the alarm may be an audible alarm, LED etc in accordance with the type or severity of alert that was broadcast (abstract line 14-18). Regarding the single user input button to control the alarm, although Ganzer does not explicitly recite the functional element, the use of a user input button, whether on the screen or connected to the screen via a wired/or wireless device (i.e. remote) is conventional in the art. The use of a remote or button affords the user to deactivate/mute the alarm, and control various TV and/or alarm settings volume, brightness etc of the display. Therefore, it would have been obvious to include a conventional remote/user input button with Ganzer to provide the viewer/user conventional capability in operation of the TV (both in viewing and alarm mode). Regarding the different colors related to the severity of the alarm levels, as stated above, Ganzer teaches that based upon the type or severity of the alarm determines the alarm activated, including an LED. Therefore, the activation of a color based upon severity level would be an obvious design choice in a system which includes an LED which receives various levels of alarms.

In response to the argument that Ganzer does not disclose or suggest "a single user input button for receiving tactile user inputs to control said emergency alert function, wherein said single user input button is the only tactile user input means integral with said apparatus that is capable of controlling said emergency alert function." The applicant also states that Ganzer discloses a system which may use a selection device 10 which may be as simple as a keyboard or keypad or preferably a graphic selection device. As stated above, the examiners position is the use of a single user input button to control/perform a function whether on a keyboard, keypad, remote or graphic selection device, is a conventional in the art, since the number of buttons on the remote is merely a design choice since a single button may perform multiple functions, or a multiple buttons may each perform a single function, thus the use of a single user input button is not an inventive/novel feature.